

# SNPLMA/FLTFA ROUND 7

## LAND ACQUISITION

### NOMINATION PACKAGE REQUIREMENTS

*The procedures for nominating and evaluating lands and interests in lands for potential acquisition by the Federal government in Nevada under the Southern Nevada Public Land Management Act of 1998 (P.L. 105-263) (SNPLMA) and the Federal Land Transaction Facilitation Act of 2000 (Title II of P.L. 106-248) (FLTFA) have been integrated. This integration is described in the revised SNPLMA/FLTFA Implementation Agreement and the public notice published in the FEDERAL REGISTER on August 10, 2004. Lands nominated during Round 7 may be recommended for funding under either the SNPLMA or the FLTFA, or for combined funding under both laws. The following requirements, questions, and criteria have been included to meet the requirements of each law.*

For questions or assistance regarding this requirements, please contact Libby White (702-515-5041) or Michelle Leiber (702-515-5168) SNPLMA Division, Acquisitions Team.

#### GENERAL REQUIREMENTS:

**The Round 7 Nomination period opens Monday, June 12, 2006. Nominations are due by 4:30 p.m. on Thursday, August 10, 2006.**

- Packages are to be submitted to the SNPLMA Division, Bureau of Land Management, ATTN: Acquisitions Team (NV-055), Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130, by close of business (4:30 p.m.) on the due date.
- Packages should be submitted in hard copy and electronic copy (3.5" disks or CDs). Text should be created in MS Word '97 or higher.
- All text and images should be integrated into a single document on the disk or CD. This will require scanning maps, photographs, and other documents which were not originally created or obtained electronically. Photographs & maps should be scanned in .jpg format for insertion into the text document.
- Time permitting before the due date, nominators will be notified if their nomination package is incomplete and allowed an opportunity to provide missing information by the due date.
- Late submissions will not be accepted.
- Nomination packages which remain incomplete as of the due date will not be accepted.
- All nomination packages, including disks and CDs, become the property of the BLM – SNPLMA Division, Las Vegas Field Office and will not be returned.
- The SNPLMA/FLTFA Implementation Agreement sets out the policies, procedures, and processes for implementing the SNPLMA; a copy can be found on the SNPLMA web site at <http://www.nv.blm.gov/snplma>. The Implementation Agreement includes sections specific to the nomination and acquisition of environmentally sensitive land.

**REGARDING NOMINATION OF CONSERVATION EASEMENTS:** Refer to Exhibit A for guidance to assist in nominating conservation easements.

**NOMINATION PACKAGES FOR ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS MUST INCLUDE THE FOLLOWING INFORMATION AND DOCUMENTS IN THE ORDER SHOWN HERE:**

**1. A narrative statement addressing the following in the order listed here:**

- ☐ Name of Property.
- ☐ Nominating Entity: Provide the name, address, phone number, and if available e-mail address, of the person submitting the nomination. If the nomination is being made on behalf of an organization, include the name and address of the organization as well as the name of the individual. If the nomination is being submitted by a representative of the owner, attach a letter or other document signed by the owner indicating the nominating entity has the authority to represent the owner in the nomination process.
- ☐ Name, address, and phone number of the property owner(s).
- ☐ Name, address, and phone number of owner's authorized agent if any.
- ☐ Date on which the property was acquired by the current owner(s).
- ☐ The legal description(s) and APN number(s).
- ☐ GPS Coordinates: If possible, the acquiring agency is requested to also provide the GPS coordinates of the property to assist in mapping nominated properties.
- ☐ The County in which the property is located.
- ☐ The Congressional District in which the property is located.
- ☐ The size of the property in acres.
- ☐ Name of the acquiring Federal agency that will assume management responsibility for the property if purchased.
- ☐ Rights Being Offered for Acquisition: Duplicate this list and check (✓) those rights which are being offered for purchase:
  - ☐ Fee Acquisition of Land
  - ☐ Water Rights: Specify type and acre feet, beneficial use, diversion point, etc. (BLM Field Offices as Acquiring Agency must see Instruction Memorandum No. NV 2005-077 Number 6.d. for further instructions regarding required actions for nominated water rights)
  - ☐ Conservation Easement (e.g., Development Rights): See Exhibit A
  - ☐ Mineral Rights: Describe
  - ☐ Access Easement
  - ☐ Patented Mining Claims – Describe
  - ☐ Other -- describe
- ☐ Rights to be Reserved: Duplicate this list and check (✓) any interests in the property the owner

possesses but wishes to reserve. Examples include:

- ☐ Access rights
- ☐ Water Rights: Specify type and acre feet, beneficial use, diversion point, etc.
- ☐ Mineral interests: Describe
- ☐ Development Rights
- ☐ Other: Describe

If mineral rights of any kind are to be retained by the seller, or are outstanding in third parties (owned by or leased to someone other than the owner), the nomination must clearly indicate which mineral rights will and will not be made available for acquisition by the acquiring Federal agency. The nomination should also provide the identity of the third parties who own/lease mineral rights (mining companies, reserved in State patent, reserved in US patent).

- ☐ Occupancy or Use Rights Held by Others: Identify any person, company, or entity other than the land owner, who has rights in the property. Please respond to the following, without regard to whether or not there is a recorded or unrecorded lease or other agreement in place for the use. Indicate whether or not the use is with or without the property owner's permission.

- ☐ Are there caretakers living on the property? If yes, who owns the home in which the caretakers live?
- ☐ Do any relatives, friends, associates, or other persons live on the property, with or without permission of the owner? If yes, indicate relationship and how long they've resided on the property, the type of dwelling, and who owns the dwelling.
- ☐ Does anyone or any company use any part of the property for agricultural or other commercial purposes either full-time or part time? How long have these activities been taking place?
- ☐ Does any person, company, or other entity regularly use any part of the property for any reason whatsoever (e.g., temporary storage of personal or business property, hold annual or periodic events of any kind, etc.)?
- ☐ Are there any structures on the property which are used by any party on a regular or intermittent basis other than the owner?
- ☐ Are there any leases or agreements, either verbal or written, whether or not recorded, that affect the use of the property?

- ☐ Does any person, company, or other entity own any rights in the land and what are those rights (e.g., owns mineral or water rights associated with the land; owns improvements on the land; has access easement over the property, etc.)

- ☐ Does any person, company, or other entity own the rights to surface water on the property, or have wells, piping, or other works for diversion and distribution of ground water from the property?

- ☐ Asking Price: Owners must provide an asking price. Asking price must be determined by use of supportable market evidence. (See below for possible sources of market evidence.) Nominating entities and owners should recognize that inclusion of the owner's asking price in the estimated acquisition cost in the Preliminary Recommendation to the Executive Committee or the Final Recommendation to the Secretary does not create a commitment to purchase the property at the asking price. Both SNPLMA and FLTFA require that the offer price be the "fair market value" as determined by a federally approved appraisal, which could be either higher or lower than the asking price.

- ☐ Previous appraisal of the property conducted in [year] by [name of appraiser]
- ☐ Current appraisal of the property conducted in [month & year] by [name of appraiser]
- ☐ Recent appraisal of a similar, nearby property located at \_\_\_\_\_ approximately

- ☐ miles from the subject property, conducted in [month & year] by [name of appraiser]
  - ☐ Recent sales of similar property sold in [year] -- explain similarities
  - ☐ Offer on the subject property received in [year] which is valid/no longer valid
  - ☐ Current County assessed value of the subject property
  - ☐ Broker's estimate of market price obtained from [name of broker] on [month & year]
  - ☐ Development value of the property based on a County/City approved development plan on file with [name of jurisdiction]
  - ☐ Mineral value of the property based on a mineral potential report or mineral appraisal – be prepared to provide a copy of the mineral potential report and/or mineral appraisal if requested by the acquiring agency
  - ☐ Other: Explain in Detail
- ☐ **Calculations:** Explain any calculations the owner applied to the above in deriving the asking price.
- ☐ **A general description of the property:** Include whether or not there are any man-made structures on the property and, if so, provide a brief description of the structures, their use, and who owns them.
- ☐ Brief summary of resource values on which the nomination is based (Note: detailed description of resource values will be provided elsewhere in the nomination package). Claims of “potential habitat” for sensitive or designated species are not acceptable. Claims of such habitat must be validated.
- ☐ The name of the federally approved land-use plan which addresses the protection or acquisition of the property.
- ☐ If applicable, (a) the name of the federally designated area within which the property is located or which shares a common boundary with the property (see Section 203(2) of the Federal Land Transaction Facilitation Act of 2000 for the definition of “federally designated area”); (b) the date the area was established or designated for special management; and (c) the date the land was withdrawn from the public domain (if different from the date of designation). The narration should indicate if this question is not applicable.
- ☐ Provide an explanation of any known hazardous material, safety, or other liability issue(s) associated with the subject property, how these were assessed, and how these issues will be or could be mitigated. Other liabilities might be legal, physical, or financial issues that have to be resolved; some examples might be pending lawsuits, liens, bankruptcies, debris/trash to be removed, fuel storage tanks above or below ground, fuel spills or wire burning areas, open mine pits, unneeded improvements that would need to be maintained or demolished, etc. If no known hazards or liabilities exist, please state this in your response.

**2. Owner Statement:** A statement signed by the property owner(s) indicating an understanding of the Federal acquisition process and a willingness to consider selling the property to the United States. (See Attachment 1, Page 1 for format of letter.) The owner must be provided the summary entitled “Federal Acquisition Process” for review prior to signing the owner statement. (See Attachment 1, Page 2.)

**3. Agency Statement:** A statement signed by an authorized officer of the Federal agency that would take possession of the property and assume management responsibility for it. Authorized officers should be upper level management such as BLM Field Managers, Forest Supervisor, etc. (See Attachment 2). The agency must also attach a cost estimate sheet estimating the associated acquisition costs.

**4. Cooperating Entity Statement:** If applicable, a statement from any cooperating entity indicating intent to enter into a mutually acceptable management agreement with the acquiring Federal agency.

**5. Notification to County Government:** The nominating entity must notify the affected county government in writing via letter to appropriate government official (e.g., letter to the Chairman of the County Board of Commissioners) of its intent to nominate land for federal acquisition under the SNPLMA/FLTFA process. The notification letter should include the following basic property information: Owners name, general description and location of the property, legal description and APN numbers, size in acres, rights being offered including acre feet and type of water rights if appropriate, acquiring Federal agency, and purpose of the nomination. A copy of the notification letter and a copy of the delivery receipt must be included in the nomination package and a copy of the letter shall be sent to the acquiring agency.

**6. A narrative responding to each question posed in the Nomination Assessment.** (See Attachment 3)

**7. A narrative regarding socioeconomic information relative to the Property.** (See Attachment 4)

**8. A page-size map of Nevada depicting the general location of the subject property.**

**9. A page-size map depicting the specific location of the property, including the proximity to a federally designated area, if applicable.**

**10. A page-size copy of official local government assessor's parcel map.** If no assessor's parcel map is available, a copy of a recorded survey, surveyor drawing attached to the recorded deed, or copy of other such professional drawing which accurately reflects the size and configuration of the property may be substituted.

**11. Photographs:** Photographs depicting the general character of the property and the resource values specified in the Nomination Assessment. Electronic copies of photographs should be in .jpg format.

**12. Aerial Photograph:** If available from public or private sources, an aerial photograph of the property. (The Clark County Assessor's office website ([www.co.clark.nv.us/assessor](http://www.co.clark.nv.us/assessor)), government offices in other counties, or the USDA's Natural Resources Conservation Service may be sources for aerial photographs.)

**ATTACHMENT 1 – PAGE 1**

**FORMAT FOR OWNER STATEMENT  
INDICATING WILLINGNESS TO CONSIDER SALE TO THE FEDERAL GOVERNMENT**

TO: [Name of Nominating Contact Person]  
[Name of Nominating Entity]  
[Address of Nominating Entity]

[Salutation]:

I, [Name of Property Owner], am the legal owner of the approximately \_\_\_\_ acres of real property known as [Name, address, legal description, parcel number(s) and/or other unique identification number]. I understand that the property is being nominated for acquisition by a Federal agency under Round 7 of the Southern Nevada Public Land Management Act (SNPLMA) and/or the Federal Land Transaction Facilitation Act (FLTFA).

I have read the document entitled “Federal Acquisition Process” and understand the basic process that the Federal government will follow if the above property is selected for acquisition under the SNPLMA or the FLTFA. I am willing to consider sale of the above property to the Federal government according to the process described in that document if acceptable terms and conditions can be mutually agreed upon.

I understand that the purchase price would be the value determined by a federal agency-approved professional appraisal meeting industry-wide and Federal appraisal standards. I also understand that I have the right to accept or reject the value established by that appraisal.

My signature below indicates a willingness to consider sale of the subject property, but in no way creates an obligation to sell. I understand that I have the right to remove the property from consideration for purchase by the Federal government at any time, and agree to notify the appropriate Federal agency in a timely manner if I decide to do so.

[Name and Title of Owner]  
[Address & Phone of Owner]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**ATTACHMENT 1 – PAGE 2**  
**FEDERAL ACQUISITION PROCESS**

Following is a brief outline of the Federal real property acquisition process. This process is consistent with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). The Uniform Act provides for fair and equitable treatment of persons whose property will be acquired or who will be displaced because of programs or projects financed with Federal funds. If a land nomination is forwarded to and approved by the Secretary of the Interior for acquisition under the Southern Nevada Public Lands Management Act or the Federal Land Transaction Facilitation Act (FLTFA), the acquisition would follow these steps:

1. Evaluation of Real Property. The Acquiring Agency will perform various studies of your property such as an initial site inspection and an environmental assessment for hazardous materials or substances. The Agency will also review your ownership documents and prepare a preliminary title opinion after review of a title report and title commitment from a qualified title company. These and other possible steps that the Agency must take during this process (e.g., survey, possible relocation issues, etc.) may affect your compensation and the completion date of the acquisition. The Agency will stay in contact with you throughout the process and will be available to answer any questions that you may have.
2. Appraisal. An appraiser will contact you to make an appointment to inspect your property. You or any representative that you desire will be invited to accompany the appraiser when the property is inspected. This provides you an opportunity to point out any unusual or hidden features of the property that the appraiser could overlook.
3. Appraisal Review and Approval. Once the appraisal has been completed, a review appraiser will review the report to ensure that all applicable appraisal standards and requirements were met. The review and appraisal are provided to the Agency for approval. The approved appraisal will then be used to determine the amount to be offered for your property. This amount will never be less than the market value established through the appraisal process.
4. Offer. The Agency will deliver a written offer for the sale/purchase of the real property. The Agency's offer will generally consist of a written summary statement that includes the amount of compensation (i.e., purchase price), the description of the property and any buildings or improvements that are considered to be part of the real property, and the property rights to be acquired. The Agency will give you a reasonable amount of time to consider the written offer and to ask questions or to request clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time.
5. Purchase Agreement. When you reach an agreement with the Agency on the offer, you will be asked to sign an option or a purchase agreement prepared by the Agency. Your signature will affirm that you and the Agency are in agreement concerning the acquisition of the property, including the terms and conditions of the acquisition. If, within a reasonable time, you and the Agency are unable to reach an agreement on the acquisition of the real property, the Agency's offer will be withdrawn and your property will be removed from the acquisition list.
6. Payment. The final step in the acquisition process is closing escrow and payment for your property. Upon completion of a final inspection of your property and confirmation that an approved policy of title insurance will be issued, the Agency will deposit the appropriate amount of compensation into a previously established escrow account. At this time you will execute a General Warranty Deed prepared by the Agency and receive payment for your property when escrow closes.

**ATTACHMENT 2**  
**FORMAT FOR ACQUIRING AGENCY'S AUTHORIZED OFFICER CERTIFICATION\***

I \_\_\_\_\_ [name, title] of \_\_\_\_\_ [name of acquiring agency] hereby certify that where the \_\_\_\_\_ property is concerned:

- 1) A representative of [name of acquiring agency] has conducted an initial site inspection on [date(s)]. Based on that inspection, the location and general description of the property presented in this nomination package has been verified and is accurate.
- 2) The property [is/is not] located within or adjacent to a "federally designated area" as that term is defined in the Federal Land Transaction Facilitation Act of 2000. The federally designated area is [insert name of the area.] and this information is/is not stated correctly in the nomination package.
- 3) Explain if and how the acquisition will facilitate management efficiency of Federal lands or of a "federally designated area."
- 4) Acquisition of the property is consistent with the [name of plan] approved Federal land-use plan in force for the area within which the property is located.
- 5) If not now consistent with an approved Federal land-use plan in force for the area within which the property is located, the following steps will be taken/are underway which will make the property consistent with the [name of plan], the approved Federal land-use plan in force for the area within which the property is located prior to its acquisition.
- 6) The planned use of the property is \_\_\_\_\_ and explain whether or not these uses are likely to be compatible with. (Examples might be public access to other federal lands, specific recreational purposes, remain vacant for habitat protection/restoration, grazing permits, etc.).
- 7) The initial assessment of the information in this nomination package indicates the property interests to be acquired are sufficient to satisfy the Federal acquisition objectives and, to the best of my knowledge, there are no known legal, physical, or financial issues that would prevent or unnecessarily delay Federal acquisition and management of the property.
- 8) Based on the initial site inspection and interview with the owner,
  - a. The initial assessment of potential liabilities presented in this nomination package has been verified and is accurate to the best of my knowledge;
  - b. I concur that the method employed by the nominating entity to initially assess those liabilities is appropriate; and
  - c. The likely remediation that will be needed and method of accomplishing that remediation as described in the nomination narrative appears accurate.

***[If the Agency disagrees with any of the above information in the nomination package, or has additional input regarding the potential liabilities, that information should be provided at this point.]***

- 9) Based on the agency's initial site inspection, the resource values of [list resource values] described in this nomination package appear accurate. The nominating entity or the acquiring agency has verified claims of habitat for listed species through the following sources \_\_\_\_\_.
- 10) In the opinion of the agency, acquisition of the property is needed for the following reasons: [list or provide a narrative describing the reasons]. These reasons are consistent with [if appropriate, "and/or an expansion of"] those stated in the nomination package response to assessment question number 9. [If the reasons stated in the nomination package are inaccurate, please indicate in your response.]



- 11) Please include one of the following statements regarding the owner's asking price: (1) The agency has reviewed the owner's asking price and finds no information currently available which would indicate it is unreasonable, so is willing to proceed with the nomination in order to determine market value through the appraisal process. OR (2) The agency has reviewed the owner's asking price and, based on information currently available, believes the owner's price expectations to be excessive. If responding with statement number two, please address what measures the Agency has taken to assure that the owner will seriously consider a fair market offer based on a Federally approved appraisal and other justification for pursuing the acquisition in spite of the high asking price.
- 12) The agency has attached a cost estimate sheet which estimates the acquisition cost, including necessary expenses as \$\_\_\_\_\_. (See Attachment 5 for the cost estimate sheet.)
- 13) The agency has completed an initial assessment of the on-the-ground management requirements associated with the property and, either on its own or in combination with significant non-federal contributions, has the resources to so manage this property if acquired. (Any non-federal management contributions should be specified.)
- 14) The agency is prepared to accept management responsibility for the \_\_\_\_\_ property on the date purchase is completed.
- 15) The agency has the resources to acquire the property in a timely manner if approved by the Secretary of the Interior for acquisition under the Southern Nevada Public Land Act or by the Secretary of the Interior and the Secretary of Agriculture for acquisition under the Federal Land Transaction Facilitation Act.
- 16) The agency certifies that it has submitted, or will submit prior to the beginning of the public comment period, a copy of the complete nomination package to the local government jurisdiction with a cover letter requesting the local government's review and comments, if any, by the date the final comment period closes, and offering to meet with the appropriate local government official(s) regarding the nomination if desired.

By:

\_\_\_\_\_  
Authorized Officer Name

Date \_\_\_\_\_

\_\_\_\_\_  
Title [BLM Field Manager, Forest Supervisor, etc.]

\_\_\_\_\_  
Name of Agency that would take possession of the property

\_\_\_\_\_  
Name of local agency contact person for this nomination

**\*When BLM is the acquiring agency, Field Offices must refer to IM No. NV-2005-062 under "Nomination for Acquisition" for guidance on evaluating lands proposed for nomination and additional information to be included in the "Acquiring Agency's Authorized Officer Certification."**

**ATTACHMENT 3**  
**LAND ACQUISITION NOMINATION ASSESSMENT**

Respond to the assessment questions below which address the nine criteria that will be used by the Land Acquisition Subgroup to evaluate, score, and rank land acquisition nominations. The total points available for each criteria are shown to the right of the criteria. The factors used to develop the score for each criteria are listed below the criteria and the points associated with each factor are listed to the right of the factor. Except for criteria number 6 the factor scores are cumulative in order to make up the total possible points for each criteria. Criteria number 6 has a maximum points available of five, but is not cumulative; the two factors are mutually exclusive.

**Point value for assessment questions is provided for information purposes only in order to reinforce the importance of addressing each factor. Nominating entities are not to assign a point value to their responses.**

Note: Vague claims of habitat (e.g., potential, probable, likely, etc.) are not acceptable. Claimed habitat must be verifiable. Owners may consult a variety of sources including the Nevada Natural Heritage (<http://heritage.nv.gov>) and/or the local office of the U.S. Fish and Wildlife Service (<http://www.fws.gov>) for assistance in verifying habitat of specially designated species on the subject property. Owners may also request the assistance of the acquiring agency in confirming such habitat.

**Instructions for Responding:**

1. There must be a response to each factor/question under each of the nine criteria.
2. If the response is positive (i.e., yes), the property characteristics that meet that factor must be described. Answers of “yes” without an explanation or description will be considered non-responsive and no points will be awarded (the exception is question #9).
3. Descriptions and examples of how the property meets the factor characteristics must be specific.
4. If a factor does not apply to the property being nominated, indicate “no” or “N/A.”

**1. Contributes toward preservation of a specially designated species.**

**Points = 10**

**Factors:**

A. Does the acquisition have a significant contribution toward preservation or recovery of one or more specially designated species present on the property? (Include both plant and animal.)	3	
B. Does the acquisition contain habitat which supports one or more special status species?	2	
C. Are there one or more species present on the property that are listed as threatened and endangered?	3	
D. Does the acquisition contribute to creation, conservation, and/or preservation of biodiversity, wetland/riparian area or watershed?	2	

<b>2. Preserves a significant natural, aesthetic or scientific feature.</b>	<b>Points = 10</b>
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**Factors:**

A. Does the property contain one or more natural, aesthetic, or scientific features?	2	
B. Is one or more of the features in A above eligible for special designation? (Do not address plant or animal species.)	2	
C. Does the acquisition make a significant contribution to preserving these values?	5	
D. Does a specific management plan(s) exist for these resource values?	1	

<b>3. Preserves significant historic, paleontological, or cultural site.</b>	<b>Points = 10</b>
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**Factors:**

A. Does the property contain one or more historic, paleontological, or cultural sites?	2	
B. Is one or more sites on the property eligible for a special designation? (Do not address plant or animal species.)	2	
C. Does the acquisition make a significant contribution to preserving these resource values?	5	
D. Does a specific management plan(s) exist for these resource values?	1	

<b>4. Enhances recreational opportunities or improves public access to recreational opportunities</b>	<b>Points = 10</b>
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**Factors:**

A. Does acquisition of the property provide recreational opportunities on the site?	3	
B. Does the acquisition provide improved access to recreational areas?	3	
C. Does the acquisition address a public demand for recreational opportunity or access to recreational areas?	3	
D. Does a specific management plan(s) exist for these resource values?	1	

<b>5. Provides the opportunity to achieve better management of public land through consolidation of Federal ownership</b>	<b>Points = 10</b>
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**Factors:**

A. Does the acquisition provide for better management of public lands?	3	
B. Is the property an in holding in a specially designated area?	4	
C. Does the acquisition support the primary purpose of a specially designated area?	2	
D. Does the acquisition provide improved access to public lands (for purposes other than recreation)?	1	

<b>6. Estimated post-acquisition management costs</b>	<b>Points = 5</b>
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**Factors:** Agencies should provide response to the one statement that's true for the proposed acquisition, and explain its answer:

A. There are no added management costs.	5	
B. There are added management costs but costs are offset by contributions from other entities.	5	

<b>7. Has the support of the State, local governments, other agencies, and/or other interested parties (provide written verification of support)</b>	<b>Points = 5</b>
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**Factors:**

A. Is the acquisition supported by the County/local government in which the property is located?	2	
B. Is the acquisition supported by environmental, recreational, and/or scientific groups?	2	
C. Is the acquisition supported by Fish & Wildlife Service Ecological Services, State Historic Preservation Office, or other federal, state or tribal governmental entities?	1	

<b>8. Other Considerations</b>	<b>Points = 10</b>
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**Factors:**

A. Would the acquisition prevent planned development or other incompatible uses?	5	
B. <u>Is the acquisition the Acquiring Federal Agency's number one priority?</u> [This question will be answered by the acquiring agency at a later date.]	5	

**SUBTOTAL POSSIBLE POINTS: 70**

<b>9. Is proposed Federal acquisition is in Clark County, Nevada</b>	<b>Points = 10</b>
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**TOTAL POSSIBLE POINTS: 80**

## **ATTACHMENT 4**

### **SOCIOECONOMIC INFORMATION**

The SNPLMA requires consultation with local governments within whose jurisdiction nominated lands are located regarding the impacts of acquisition of the land by the Federal government. In order to assist in assessing the socioeconomic impact of land acquisitions pursuant to the SNPLMA, please provide the following information regarding the subject land. Do not leave any questions blank; if a question does not apply please so state and explain why.

1. Number of employees, spouses, and immediate family members that will be impacted by the acquisition due to employment associated with the land. List any employment that would be lost or created as a result of the acquisition.
2. Amount of annual property taxes.
3. A description of the existing use(s) of the property.
4. Amount of annual revenue generated from enterprises associated with the land. If actual revenue is confidential, list a typical enterprise annual budget. (e.g. revenue from working farms, agricultural or other leases, access fees for recreational facilities, mining operations, etc.)
5. A summary of local public services being utilized on and provided to the subject property.
6. A summary of local contractors being utilized on the subject property.
7. Identify the current city or county land use plan designation(s) for the subject property. If no local government land use plan or master plan is in effect, please so state. In this case, list the current zoning and any anticipated zoning changes in the foreseeable future, if any.
8. Provide a list of all water rights appurtenant to the land. Note whether these are being offered for sale as part of the nomination, if they'll be reserved by the owner, if they are owned by or will be sold to a third-party, or if there will be some other disposition of the water rights.
9. Provide a list of known mineral rights associated with the land. Note whether these are being offered for sale as part of the nomination, if they'll be reserved by the owner, if they are owned by or will be sold to a third-party, or if there will be some other disposition of the mineral rights.

# **ATTACHMENT 5** **SNPLMA LAND ACQUISITION PROJECT** **ESTIMATED NECESSARY EXPENSES**

Property Name: \_\_\_\_\_ Agency: \_\_\_\_\_ Date: \_\_\_\_\_  
 Project #: N/A in Nomination Priority #: N/A in Nomination  
 Prepared by: \_\_\_\_\_ Phone: \_\_\_\_\_

**Bureaus agree to furnish the necessary equipment, materials, facilities, services, personnel, and other costs except as specified below:**

<b>1. Land Purchase Price</b> (Not to exceed fair market value)	\$ _____	_____ %
<b>2. Appraisal</b>	\$ _____	_____ %
<b>3. Land/Boundary Survey</b>	\$ _____	_____ %
<b>4. Environmental Site Assessment and NEPA</b>	\$ _____	_____ %
<b>5. FWS Consultation—Endangered Species Act</b>	\$ _____	_____ %
<b>6. Water Rights or Mineral Analysis</b> (for Title Purposes)	\$ _____	_____ %
<b>7. Mineral Potential Report</b> (Prior approval required)	\$ _____	_____ %
<b>8. Title Report, Escrow Fees, Misc. Closing Costs</b>	\$ _____	_____ %
<b>9. Recording Fees</b>	\$ _____	_____ %
<b>10. Pro-rata Share of Any Pre-Paid Property Taxes or Assessments</b>	\$ _____	_____ %
<b>11. Penalty Costs and Other Charges</b> (for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property)	\$ _____	_____ %
<b>12. Relocation Payments to Eligible Tenants</b>	\$ _____	_____ %
<b>13. Direct Labor or Contracted Labor Costs:</b> For activities necessary to complete the acquisition and/or to reach a decision as to whether or not the acquisition can be completed such as title records management; review of title documents (land, water, mineral, etc.), legal description verification; preparation and review of technical reports such as appraisals, ESA, water rights, mineral rights analyses for title purposes, surveys; preparation of requests for preliminary and final title opinion, preparation of conveyance documents, and escrow closing instructions; negotiating/ resolution of rights to be acquired	\$ _____	_____ %
<b>14. Travel</b> including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.)	\$ _____	_____ %
<b>15. Official Vehicle Use</b> (pro rata cost for use of Official Vehicles when required to carry out case management)	\$ _____	_____ %
<b>16. Other Necessary Expenses</b> (See Appendix B-9)*	\$ _____	_____ %
<b>17. Balance of Contingency Funds</b> (This line is not used during the nomination process; use only following Secretarial approval when requesting an IGO/task order or 1151 transfer.	Do Not Use Contingency in Dollars in Nomination %	

**TOTAL:** \$ \_\_\_\_\_ %

\*Appendix B-9 may be found in the Implementation Agreement on the SNPLMA website at [www.nv.blm.gov/SNPLMA](http://www.nv.blm.gov/SNPLMA).

## **EXHIBIT A**

### **CONSERVATION EASEMENTS**

#### **Nomination Guidance**

Unless there are existing easements on similar properties that are considered applicable to the nominated property, no definitive terms and conditions for the proposed easement will be available for inclusion in the nomination. As the negotiation and development of a pro forma easement is a major component of the processing acquisition of an easement, these actions should not be completed prior to approval of the nomination. Therefore, at the time of nomination, the easement must be described in conceptual terms.

In responding to nomination assessment question, the nominating entity should specifically address how the conservation easement applies or does not apply to each assessment question. For example, discussions of resource values should explain how the conservation easement is expected to protect those resource values. Nominating entities may also explain the benefits of a conservation easement over fee acquisition.

The nomination shall address the anticipated conservation easement in terms of:

- The resources to be protected;
- The primary rights to be acquired by the Federal agency;
- Protective actions to be granted to the Federal agency;
- The uses the landowner wishes to continue;
- The restrictions to be placed on the landowner;
- Geographic boundaries of the proposed easement;
- Responses to nomination assessment questions are to explain how the easement relates to the subject of the question (e.g., how the described resources are expected to be protected by the easement, how then easement will enhance or otherwise impact management of Federal lands, etc.); and
- Expected term of the easement (e.g., in perpetuity or specified number of years).

**Owner Statement:** The agency and owner should not be limited by this initial description of the easement if it is determined during processing that additional restrictions are necessary to fulfill the purpose of the easement. The “Owner’s Statement” should include an acknowledgment that additional terms may be necessary for the easement to be acceptable to the acquiring agency.

**Acquiring Agency Statement:** Because of the need to establish the baseline conditions and the expected long-term costs and workload of monitoring and managing an easement, these costs should be addressed in the Acquiring Agency’s Statement for conservation easements.

**Conservation Easements on different properties with different owners should be nominated separately, not grouped.**

## DEFINITIONS

**Biodiversity:** The variety of life and its processes, including the variety of living organisms, the genetic differences among them, and the communities and ecosystems in which they occur.

**Critical Habitat:** Specific geographic areas, whether occupied by listed species or not, that are determined to be essential for the conservation and management of listed species, and that have been formally described in the Federal Register.

**Endangered Species:** Any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man. A species must be “listed” as endangered on the Federal List of Endangered and Threatened Wildlife and Plants.

**Environmentally Sensitive Lands:** Land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary of the Interior or the Secretary of Agriculture: (A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity; (B) enhance recreational opportunities and public access; (C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or (D) otherwise serve the public interest.

**Federal List of Endangered and Threatened Wildlife and Plants:** Before a plant or animal species can receive protection under the Endangered Species Act, it must first be placed on this list by the U. S. Fish and Wildlife Service. The FWS follows a strict legal process to determine whether to list a species,

**Federally Designated Area:** Land in Alaska and the eleven contiguous Western States that as of July 25, 2000, are within the boundary of (A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management; (B) a unit of the National Park System; (C) a unit of the National Wildlife Refuge System; (D) an area of the National Forest System designated for special management by an Act of Congress; or (E) an area within which the Secretary of the Interior or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interest therein that is designated as (i) wilderness under the Wilderness Act; (ii) a wilderness study area; (iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act; or (iv) a component of the National Trails System under the National Trails System Act.

**Inholding:** Any right, title, or interest, held by a non-Federal entity, in or to a tract of land lying within the boundary of a federally designated area.

**Listed Species:** A species, subspecies, or distinct vertebrate population segment that has been added to the Federal lists of Endangered and Threatened Wildlife and Plants as they appear in sections 17.11 and 17.12 of Title 50 of the Code of Federal Regulations (50 CFR 17.11 and 17.12).

**Riparian:** Of, on, or relating to the bank of a natural course of water.

**Secretary:** The Secretary of the Interior.

**Specially Designated Species:** A species that is “listed” on the Federal lists of Endangered and Threatened Wildlife and Plants.

**Species:** Includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.



**Species of Concern:** An informal term that refers to those species which might be in need of concentrated conservation actions. Species of concern receive no legal protection and the use of the term does not necessarily mean that the species will eventually be proposed for listing as a threatened or endangered species.

**Threatened Species:** Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**Wetlands:** A lowland area, such as a marsh or swamp that is saturated with moisture, especially when viewed as the natural habitat of wildlife.